

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Case Number: 04-10246-PBS

UNITED STATES OF AMERICA)
)
)
)
v.)
)
BRIAN TODD and)
SHAUN TODD)

DEFENDANT'S MOTION IN LIMINE
(SUDDEN UNEXPLAINED WEALTH)

NOW COME the defendants in the above-entitled matter and hereby move the Court for an order prohibiting the Government from introducing evidence relative to, or commenting about, the defendants' alleged sudden unexplained wealth.

In support of this Motion, the defendants state that this evidence is immaterial and irrelevant, and even if relevant, its prejudicial impact on the defendants outweighs its probative value. The Government will not be able to produce evidence of the defendants' financial condition prior to the alleged offense, and there is no other competent evidence linking the funds in the defendant's possession to the funds stolen. See generally U.S. v. Marshall, 248 F.3d 525 (6th Cir. 2001), U.S. v. Jones, 697 F.2d 989 (11th Cir. 1983), U.S. v. O'Neal, 496 F.2d 368 (6th Cir. 1974), U.S. v. Teague, 445 F.2d 114 (7th Cir. 1971), U.S. v. Ravich, 421 F. 2d 1196 (2nd Cir. 1970).

Dated: September 24, 2005

RESPECTFULLY SUBMITTED
FOR DEFENDANTS
BY THEIR ATTORNEY

/s/ Scott F. Gleason
Scott F. Gleason, Esquire
GLEASON LAW OFFICES, P.C.
163 Merrimack Street
Haverhill, MA 01830
(978) 521-4044

CERTIFICATE OF SERVICE

I, Scott F. Gleason, Esquire, do hereby certify that I have this date filed a copy of the within Motion In Limine (Sudden Unexplained Wealth) to Donald L. Cabell, Assistant U.S. Attorney at the United States District Court, Boston, MA by electronic filing.

Dated: September 24, 2005

/s/ Scott F. Gleason
Scott F. Gleason, Esquire